

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	
)	Criminal No. 20-cr-10164-NMG
1. TIMOTHY TORIGIAN,)	
2. GERARD O'BRIEN,)	
3. ROBERT TWITCHELL,)	
4. HENRY DOHERTY,)	
5. DIANA LOPEZ,)	
6. JAMES CARNES,)	
7. MICHAEL MURPHY,)	
8. RONALD NELSON, and)	
9. KENDRA CONWAY)	
)	
Defendants.)	
)	

MEMORANDUM PURSUANT TO LOCAL RULE 116.5(a)

Counsel for the United States, Timothy Torigian, Robert Twitchell, Gerard O'Brien, Henry Doherty, Diana Lopez, James Carnes, and Ronald Nelson (hereinafter "the parties") submit this memorandum addressing Local Rule 116.5(a).

I. Local Rule 116.5(a)(1)

On October 5, 2020, the government provided initial disclosures to the defense.

One discovery letter was served prior to the initial disclosures and counsel for the government and counsel for Diana Lopez will confer regarding issues defense counsel believes are left outstanding in the wake of initial disclosures.

II. Local Rule 116.5(a)(2)

The government shall seasonably supplement its automatic disclosures as required by the Local Rules.

III. Local Rule 116.5(a)(3)

The defendants need time to review the government's initial disclosures before

determining whether it will be necessary to file a request for additional materials.

IV. Local Rule 116.5(a)(4)

A protective order has been issued with respect to some materials in this action. [D. 65, 66].

V. Local Rule 116.5(a)(5)

The parties agree that it is too early to set a motion schedule under Fed. R. Crim. P. 12(b).

VI. Local Rule 116.5(a)(6)

The parties agree it is too early to establish a schedule for experts.

VII. Local Rule 116.5(a)(7)

The defendants were arrested on September 2, 2020 and made their initial appearances on that date. An assented to motion for an order of excludable delay from September 2, 2020 through October 15, 2020 was filed on September 30, 2020 and is pending. [D. 58].

The government and the named defendants further agree that the time period between October 15, 2020, and the next status conference should be excluded because the parties have been and are using the period of the continuance to complete production and review of discovery, and also to explore a non-trial disposition of the case. Therefore, the parties request that this Court find that the ends of justice served by excluding the period of this continuance outweigh the best interest of the public and the defendant in a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A).

The parties agree that no countable days have elapsed.

VIII. Local Rule 116.5(a)(8)

The government and the defendants request that a further status conference be scheduled for approximately 60 days in the future.

Respectfully submitted,
ANDREW E. LELLING
UNITED STATES ATTORNEY
By: /s/ Mark J. Grady
Mark J. Grady
Assistant U.S. Attorney

TIMOTHY TORIGIAN

GERARD O'BRIEN

/s/ Robert M. Goldstein
Robert M. Goldstein
20 Park Plaza, Suite 1000
Boston, MA 02116

/s/ David E. Meier
David E. Meier
Todd & Weld
One Federal Street 27th Floor
Boston, MA 02110

ROBERT TWITCHELL

HENRY DOHERTY

/s/ Liam D. Scully
Liam D. Scully
101 Summer Street Fourth Floor
Boston, MA 02110

/s/ John Amabile
John Amabile
Amabile & Burkly, P.C.
380 Pleasant Street
Brockton MA 02301

DIANA LOPEZ

JAMES CARNES

/s/ Anthony R. Ellison, Esq.
Anthony R. Ellison, Esq.
299 Gallivan Boulevard
Boston, MA 02124

/s/ Robert L. Jubinville
Robert L. Jubinville
487 Adam Street
Milton, MA 02186

RONALD NELSON

/s/ Simon Cataldo
Kimberly West/Simon Cataldo
Ashcroft Law Firm
200 State Street, 7th Floor
Boston, MA 02109

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Mark J. Grady

Mark J. Grady

Assistant U.S. Attorney

Date: October 14, 2020